THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.27400 OF 2007

Date: 20.12.2007

Between:

S.F.R. Resorts Pvt. Ltd.

. . .Petitioner

AND

The Special Collector & Land Acquisition Officer,
Telugu Ganga Project, Nellore.

. . .Respondent

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.27400 OF 2007

ORDER:

This writ petition is filed for a writ of mandamus to declare the action of the respondent and his subordinate officers in taking steps to plant flags and erect board on the land admeasuring Ac.337.00 comprised in Survey No.339 situated at Gundavolu Village of Rapuru Mandal, belonging to the petitioner in pursuance of notification, dated 28.08.2007 issued under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act').

Heard Sri M.Ravindra, learned counsel for the petitioner and the learned Assistant Government Pleader for Land Acquisition.

In the affidavit filed in support of the writ petition, the petitioner averred that the respondent vide impugned notification proposed to acquire an extent of Ac.60.00 of land comprised in Survey No.339/1 belonging to Smt. Mallika Akthar, Wife of Syed Akthar Basha for rehabilitation of displaced persons under Kandaleru Reservoir Project and that in the guise of taking possession of the said land, the respondent and his subordinates have been seeking to take over petitioner's land, which is situated adjacent to the land notified for acquisition.

The issue raised by the petitioner cannot be adjudicated in this writ petition as it purely falls in the realm of appreciation of facts and required to be determined with reference to the documentary evidence. This Court exercising jurisdiction under Article 226 of the Constitution of India would not embark upon resolution of such a

dispute.

Therefore, I deem it appropriate to dispose of this writ petition with the direction that the respondent shall consider representation, dated 12.12.2007 said to have been filed by the petitioner before him and decide whether he or his subordinates have entered into any part of the land belonging to the petitioner in the process of taking possession of sixty acres of land comprised in Survey No.339/1 belonging to Smt. Mallika Akthar which was notified for acquisition under notice, dated 28.08.2007 issued under Section 4(1) of the Act. Till the respondent decides this issue, the petitioner shall not be dispossessed from any part of the land of 337 acres belonging to him situated in Survey No.339 of Gundavolu Village, Rapuru Mandal, Nellore District. Ordered accordingly.

C.V.NAGARJUNA REDDY, J

20th DECEMBER, 2007

Note: issue c.c. in three(3) days.

B/o

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